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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,583	12/31/2001	Kelan C. Silvester	P13478	4016

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER	
LE, DANH C	

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,583	SILVESTER, KELAN C.	
	Examiner	Art Unit	
	DANH C LE	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. **Claim 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haymes in view of Iizuka (US 6,084,543).**

As to claim 1, Haymes teaches a system comprising (figure 2):

a cell phone (250) to provide a wireless connection;

a locator to indicate an approximate location of the cell phone (paragraph 16, receive data from GPS system); and

a display coupled to the cell phone to guide a user along a route that reduces a probability of losing the wireless connection (paragraph 0021).

Haymes fails to teach a display with directional indicator. Iizuka teaches a display with directional indicator (figure 4, 40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Iizuka into the system of Haymes in order to guide the user along a road routes that reduces a probability of losing the wireless connection.

As to claim 2, the combination of Haymes and Iizuka teaches the system of claim 1, wherein the locator includes a global positioning system (paragraph 0022).

As to claim 3, the combination of Haymes and Iizuka teaches the system of claim 1, wherein the indicator includes an audio or video output device (paragraph 0036).

As to claim 4, the combination of Haymes and Iizuka teaches the system of claim 1, wherein the indicator includes a map of the route (paragraph 0036).

As to claim 5, the combination of Haymes and Iizuka teaches the system of claim 1, further comprising an antenna to receive guidance information used to guide the user along the route (figure 1, 120 with antenna symbol).

As to claim 6, the combination of Haymes and Iizuka teaches the system of claim 5, wherein the guidance information includes an approximate location of a cell tower (paragraph 23, since the system controller 310 responds and informs the user of a best route and/or channels and for continual mobile service and or of areas along the route where communication coverage is questionable, the system inherently teaches an approximate location of the base station or a cell tower).

As to claim 7, the combination of Haymes and Iizuka teaches the system of claim 6, further comprising a processor to compare the approximate location of the cell tower to the approximate location of the cell phone to determine the route (paragraph 5 and 36, the mobile device compares its position and a data base to avoid the dead zones in the trip).

As to claim 8, Haymes teaches a method comprising (figure 2):

providing a cell phone with a locator to indicate an approximate location of the cell phone (paragraph 16, receive data from GPS system); and

enabling the cell phone to provide guiding a user along a route that improves wireless signal strength (paragraph 36 and 21).

Haymes fails to teach guiding include a directional indicator. Iizuka teaches a guiding with directional indicator (figure 4, 40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Iizuka into the system of Haymes in order to guide the user along a road routes that reduces a probability of losing the wireless connection.

As to claim 9, the combination of Haymes and Iizuka teaches the method of claim 8, wherein enabling the cell phone to provide directions includes providing the cell phone with a display to indicate the route (paragraph 21).

As to claim 10, the combination of Haymes and Iizuka teaches the method of claim 8, wherein enabling the cell phone to provide directions includes providing the cell phone with an audio or video output device to indicate a location of a nearest cell tower (paragraph 36, since the mobile device knew the dead zone in the trip route and changed the route having a reduced area of dead zone, the mobile should know a location of a nearest cell tower or base station).

As to claim 11, the combination of Haymes and Iizuka teaches the method of claim 8, wherein providing the cell phone with the locator includes providing the cell phone with a global positioning system (paragraph 16, receive data from GPS system).

As to claim 12, the combination of Haymes and Iizuka teaches the method of claim 8, further comprising enabling the cell phone to receive guidance information via

an antenna and to use the guidance information to guide the user along the route (figure 1, 102, antenna symbol).

As to claim 13, the combination of Haymes and Iizuka teaches the method of claim 12, wherein the guidance information includes an approximate location of a cell tower (paragraph 23, since the system controller 310 responds and informs the user of a best route and/or channels and for continual mobile service and or of areas along the route where communication coverage is questionable, the system inherently teaches an approximate location of the base station or a cell tower).

As to claim 14, the combination of Haymes and Iizuka teaches the method of claim 8, further comprising enabling the cell phone to predict an initial route of the user and to redirect the user from the initial route to the route that improves wireless signal strength (paragraph 36).

As to claim 15, Haymes inherently teaches a system comprising:

a processor (error generators);

an antenna to provide a wireless connection (figure 1, 120, antenna symbol), and

a memory region couple to a cellular phone cause the system to guide a user along a route that reduces a probability of losing the wireless connection (paragraph 35, a subset of data base resides on mobile device for manipulation and retrieval which is in the memory region).

Haymes fails to teach the instructions that, if executed by the processor, cause the system to guide along the route. Iizuka teaches the instructions that, if executed by the processor, cause the system to guide along the route (figure 2). Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Iizuka into the system of Haymes in order to guide the user along a road routes that reduces a probability of losing the wireless connection.

As to claim 16, the combination of Haymes and Iizuka teaches the system of claim 15, further comprising an audio or video output device and instructions that, if executed by the processor, cause the system to guide the user along the route by providing directional indications to the user via the output device (paragraph 21, 36).

As to claim 17, the combination of Haymes and Iizuka teaches the system of claim 15, further comprising instructions that, if executed by the processor, cause the system to compare an approximate location of a cell tower to an approximate location of the system to determine the route (paragraph 5 and 36, the mobile device compares its position and a data base to avoid the dead zones in the trip).

As to claim 18, the combination of Haymes and Iizuka teaches the system of claim 15, further comprising instructions that, if executed by the processor, cause the system to predict an initial route of the user and to redirect the user from the initial route to the route that reduces the probability of losing the wireless connection (paragraph 0036).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Shimizu et al (US 6,658,3553) teaches vehicle navigation apparatus providing rapid correction for excessive error in dead reckoning estimate of vehicle travel direction

by direct application of position and direction information derived from PGS position measurement data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Danh C.Le
DANH CONG LE
PATENT EXAMINER